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EXAMINER

WILSON, ROBERT W

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,711	Applicant(s) HURTTA ET AL.	
	Examiner ROBERT W. WILSON	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24, & 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (PCT WO 00/44189) which is an IDS document of record in view of Haumont (PCT WO 00/10357)

Referring to claim 1, Rasanen teaches: A method (Fig 1 and per Pg 7 line 33 to Pg 9 line 7 performs the method), the method comprising the steps of :

Determining a type of an access network associated via the communication gateway in a communication system (The IWU or gateway determines whether RAN-A or RAN-B (access network) will be utilized in a communication system per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

Deciding policy to apply to communications via the gateway based on information regarding the type of the access gateway (The IWU or gateway determines or decides whether RAN-A or RAN-B has quality of service (bit rate, delay, or signal strength) or policy which will support a request for service from the mobile station and decides the appropriate RAN or access network per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: “traffic flow control” policy

Haumont teaches: “traffic flow control” policy (Applicant’s specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “traffic flow control” policy of Haumont in place of the policy of Rasanen in order to process

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multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

In addition Rasanen teaches:

Regarding claim 2, comprising signaling data from an entity associated with the access network to the gateway (The MS (entity) sends a SERVICE REQUEST (signaling) which defines the services needed from the RAN (access network) to the IWU (gateway) per Pg 11 line 34 to Pg 15 line 21) and determining the type of access based on said data (IWU determines whether RAN-A or RAN-B or access type based upon SERVICE REQUEST per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 3, wherein signaling comprises sending type information from the entity to the gateway (The MS or entity sends SERVICE REQUEST (signaling) which has bit rate, delay, signal strength or QoS or type information to the IWU (gateway) per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 4, wherein signaling comprises signaling data from the entity in which the entity associated with the access network comprises a node connected to the access network (MS or entity or node sends SERVICE REQUEST (signaling) and the MS is connected to the RAN per Fig 1 per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 5, wherein signaling comprises signaling data from the entity in which the entity associated with the access network comprises a user equipment (MS or entity or user equipment sends SERVICE REQUEST (signaling) and the MS is connected to the RAN per Fig 1 per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 9, wherein determining comprises determining the type in the gateway (The IWU (gateway) determines RAN or type per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 10, wherein the determining comprises determining the type of network based on the address of the entity associated with the access network (The MS has an inherent address which is used by the IWU when determining the handover per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 11, wherein determining comprises:

Determining the type of the access network supported by the entity associated with the access network (The IWU determines which RAN supports the SERVICE REQUEST from the MS (entity) and determining the type of the access network from the access type supported by the entity associated with the access network (The IWU determines appropriate RAN (type of RAN) based upon the SERVICE REQUEST) per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 12, wherein determining comprises determining the type of the access network based on a characteristics of a message signaled from the entity associated with the access network to the gateway (The IWU (gateway) receives the SERVICE REQUEST and determines the RAN (access network) based upon the inherent parameters in the SERVICE REQUEST)

Regarding claim 13, further comprising identifying a communication session by the gateway (The IWU (gateway) identifies the type of service required for the communication session per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 14, comprising determining in the gateway is a service specific policy is already available for the identified communication session (The IWU (gateway) determines if RAN-A or RAN-B has bit rate, delay, signal strength or QoS or policy already available to support the communication or session per Pg 11 line 34 to Pg 15 line 21)

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Regarding claim 15, further comprising deciding if a decision by a policy controller is required (The IWU inherently has a controller which determines which RAN will support the MS based upon the SERVICE REQUEST per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 21, further comprising determining if the access network operates in accordance with one of: A second generation standard, a third generation standard, or a wireless local area network standard (Second or Third per Pgs 3-4)

Referring to claim 6, the combination of Rasanen and Haumont teaches: the method as claimed in claim 2,

Rasanen does not expressly call for: sending a request for a data bearer

Haumont teaches: sending a request for bearer services (MS requests activation associated with different networks such as IP or X.25 or bearer services per Pg 2 lines 1 to 14 and access network providing a user with services offered by service providers per Pg 1 lines 7 to 11. MS requests)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the sending a request for a data bearer of Haumont to the system of Rasanen and Haumont in order to improve performance by providing access to a plurality of packet networks in order to improve performance

In addition Rasanen teaches:

Regarding claim 7, including the information regarding the type of the access network in a request for a data bearer (The SERVICE REQUEST defines services (data bearer services) needed in order for the appropriate RAN or access network to be determined per Pg 11 line 34 to Pg 15 line 21)

Referring to claim 8, the combination of Rasanen and Haumont teaches: the method as claimed in claim 6,

Rasanen does not expressly call for: sending the request in which the request comprises another request for creation of a packet data protocol context

Haumont teaches: sending the request in which the request comprises another request for creation of a packet data protocol context (After PDP context activation the mobile may activate via request creation of a new PDPD context per Pg 10 lines 9 to 14)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add sending the request in which the request comprises another request for creation of a packet data protocol context of Haumont to the system of Rasanen and Haumont in order to improve performance by providing flexibility in being able to change performance in the middle or processing of packets.

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Referring to claim 16, the combination of Rasanen and Haumont teach: the method as claimed claim 15 and gateway with inherent policy controller

Rasanen does not expressly call for: address

Haumont teaches: address (request for PDP context contains address per Pg 2 lines 1-14)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address of Haumont to the packet for the gateway with inherent policy controller of the combination of Rasanen and Haumont in order to insure that the packet is received by the correct gateway.

In addition Rasanen teaches:

Regarding claim 17, further comprising the step of sending a request to the policy controller entity wherein the request contains information regarding the type of access network (The MS sends a SERVICE REQUEST which contains parameters for delay, or bit rate, or signal strength or QoS that determine appropriate RAN or access network per Pg 11 line 34 to Pg 15 line 21)

Referring to claim 18, the combination of Rasanen and Haumont teach: the method as claimed claim 15 and gateway with inherent policy controller

Rasanen does not expressly call for: inquiry for a subscript profile being made to a separate database

Haumont teaches: inquiry for a subscript profile being made to a separate database (SGSN makes inquiry for authentication to separate from PDP context per Pg 1 lines 30 to Pg 2 line 14)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add inquiry for a subscript profile being made to a separate database of Haumont to system of the combination of Rasanen and Haumont in order to insure that the mobile is authenticated.

Referring to claim 19, the combination of Rasanen and Haumont teach: the method as claimed claim 15 and inherent controller

Rasanen does not expressly call for: authorizing a user and making a policy decision in a policy controller

Haumont teaches: authorizing and making a policy decision in a policy controller (authentication or authorizing a MS or user and MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway per Pg 10 line 8 to Pg 12 line 8 which the examiner has interpreted as deciding a traffic control policy)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add the authorizing a user and making a policy decision in a policy controller of Haumont to the system of the combination of Rasanen and Haumont in order to improve performance by only allowing access to mobiles which have authentication privileges.

Referring to claim 20, the combination of Rasanen and Haumont teach: the method as claimed claim 1 and selecting an access network

Rasanen does not expressly call for: deciding a specific policy

Haumont teaches: deciding a specific policy (MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway per Pg 10 line 8 to Pg 12 line 8 which the examiner has interpreted as deciding on a specific policy)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding of a specific policy of Haumont to the system of the combination of Haumont and Rasanen in order to build a system which processes multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance

Referring to claim 22, the combination of Rasanen and Haumont teach: the method as claimed claim 1

Rasanen does not expressly call for: deciding a specific policy using information which is one of quality of service policy

Haumont teaches: deciding a specific policy using information which is one of quality of service policy (MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway per Pg 10 line 8 to Pg 12 line 8 which the examiner has interpreted as deciding on a specific policy)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding a specific policy using information which is one of quality of service policy (Haumont to the system of the combination of Haumont and Rasanen in order to build a system which processes multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance

Referring to claim 23, the combination of Rasanen and Haumont teach: the method as claimed claim 1 and Rasanen teaches receiving quality information

Rasanen does not expressly call for: deciding a specific policy

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Haumont teaches: deciding a specific policy (MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or specific policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding of a specific policy of Haumont to the system of the combination of Haumont and Rasanen in order to build a system which processes multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance

Referring to claim 24, the combination of Rasanen and Haumont teach: the method as claimed claim 1 and Rasanen teaches: controlling traffic flow via gateway (IWU per Fig 1 controls traffic flow)

Rasanen does not expressly call for: deciding traffic flow controlling policy

Haumont teaches: deciding traffic flow controlling policy (tags used to determine traffic flow per Pg 11 line 33 to Pg 12 lines 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add deciding traffic flow controlling policy of Haumont to the system of the combination of Rasanen and Haumont in order to improve performance because each type of flow could be prioritized based upon performance

Referring to claim 26, Rasanen teaches: a communication system (The combination of CN, BSC-A, BSC-B, BS-A-1, & BS-B-1 or communication system per Figure 1) comprising:

Different access networks (RAN-A & RAN-B per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

A gateway configured to communicate with entities (CN per Fig 1 is configured for communication with entities (MS) associated with the different access networks (Ran-A & RAN-B per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

An access network type determination processor configured to determine a type of an access network of the different access network (IWU has an inherent processor which determines whether RAN-A or RAN-B will be selected per Pg 11 line 34 to Pg 15 line 21)

A decision making processor configured to decide a policy to apply to the communication via the gateway based on the information of the type of the access network (IWU has an inherent processor which decides policy based upon SERVICE REQUEST which are associated with appropriate access network per Pg 11 line 34 to Pg 15 line 21)

wherein the communication system is configured to control communication based on decision by the decision making processor (The combination of CN, BSC_A, BSC_B, BS_A_1, & BS_B_1

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or communication system per Figure 1 controls the service offered as well as handover based upon the decision by the inherent IWU processor per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: “traffic flow control policy”

Haumont teaches: traffic flow control policy (Applicant’s specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “traffic flow control” policy of Haumont in place of the policy of Rasanen in order to process multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

In addition Rasanen teaches:

Regarding claim 27, wherein the entity associated with the access network comprises a node connected to the access network (MS or entity is connected to the RAN per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 28, wherein an entity associated with the access network comprises a user equipment (MS or entity or user equipment is connected to the RAN (access network) per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 29, comprising a policy control processor to provide the decision making processor (The IWU has an inherent controller or central processor or decision making processor per Pg 11 line 34 to Pg 15 line 21)

Regarding claim 30, wherein the gateway is configured to provided the decision making processor (The IWU is configured with an inherent processor which makes the per Fig 1 per Pg 11 line 34 to Pg 15 line 21)

Referring to claim 31, Rasanen teaches: An apparatus (IWU per Fig 1 per Pg 11 line 34 to Pg 15 line 21 or apparatus) comprising:

An access network type determining processor configured to determining a type of an access network (The IWU has an inherent processor which determines either RAN-A or RAN-B (access network) per Pg 11 line 34 to Pg 15 line 21)

A decision making processor configured to determine a policy to apply to the communication via a gateway based on information of the type of access network (The IWU has an inherent process which decides based upon bit rate, delay, or signal strength or QoS for associated services or control flow of traffic via the CN (Gateway) based upon the SERVICE REQUEST (information) of type of the access network) wherein the gateway control traffic flows based on

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the decision of inherent processor which controls Handover which determined the traffic flows based upon decision from IWU per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: “traffic flow control” policy

Haumont teaches: “ traffic flow control" policy (Applicant’s specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “traffic flow control policy” of Haumont in place of the policy of Rasanen in order to process multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

In addition Rasanen teaches:

Regarding claim 32, wherein the gateway control traffic flows based on decision by the decision making processor (The IWU has an inherent controller or central processor or decision making processor per Pg 11 line 34 to Pg 15 line 21)

Referring to claim 33, Rasanen teaches: a communication system (The combination of CN, BSC-A, BSC-B, BS-A-1, & BS-B-1 or communication system per Figure 1) comprising:

Different access networks (RAN-A & RAN-B per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

A gateway means configured to communicate with entities (CN per Fig 1 has an inherent processor configured for communication for entities (MS) or gateway means associated with the different access networks (Ran-A & RAN-B per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

An access network type determination means for determining a type of an access network of the different access network (IWU has an inherent processor which determines whether RAN-A or RAN-B will be selected per Pg 11 line 34 to Pg 15 line 21)

A decision making means configured to decide a policy to apply to the communication via the gateway based on the information of the type of the access network (IWU has an inherent processor which decides a policy or decision making means based upon SERVICE REQUEST which are associated with appropriate access network per Pg 11 line 34 to Pg 15 line 21)

wherein the communication system is configured to control communication based on decision by the decision making processor (The combination of CN, BSC_A, BSC_B, BS_A_1, &

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BS_B_1 or communication system per Figure 1 controls the service offered as well as handover based upon the decision by the inherent IWU processor per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: “traffic flow control” policy

Haumont teaches: “traffic flow control” policy (Applicant’s specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “traffic flow control” policy of Haumont in place of the policy performed by the inherent IWU processor of Rasanen in order to process multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

Referring to claim 34, Rasanen teaches: An apparatus (IWU per Fig 1 and per Pg 7 line 33 to Pg 9 line 7 or apparatus)

Access network type determining means for determining a type of an access network (The IWU has an inherent processor or determining means which determines whether RAN-A or RAN-B (access network) will be utilized in a communication system per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

Decision making means for deciding policy to apply to communications via the gateway based on information regarding the type of the access gateway (The IWU or gateway has an inherent processor or decision making means which decides or determines whether RAN-A or RAN-B has quality of service (bit rate, delay, or signal strength) or policy which will support a request for service from the mobile station and decides the appropriate RAN or access network which determines which way the traffic will flow per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: “traffic flow control” policy

Haumont teaches:”traffic flow control”policy (Applicant’s specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “traffic flow control” policy of Haumont in place of the policy of Rasanen in order to process multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (PCT WO 00/44189) which is an IDS document of record in view of Haumont (PCT WO 00/10357) further in view of Lyer (U.S. Patent No.: 6,295,450)

Referring to claim 25, Rasanen teaches: A method (Fig 1 and per Pg 7 line 33 to Pg 9 line 7 performs the method), the method comprising the steps of :

Determining a type of an access network associated via the communication gateway (The IWU or gateway determines whether RAN-A or RAN-B (access network) will be per Fig 1 and per Pg 11 line 34 to Pg 15 line 21)

Deciding policy to apply to communications via the gateway based on information regarding the type of the access gateway (The IWU or gateway determines or decides whether RAN-A or RAN-B has quality of service (bit rate, delay, or signal strength) or policy which will support a request for service from the mobile station and decides the appropriate RAN or access network per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: “traffic flow control” policy

Haumont teaches: “traffic flow control” policy (Applicant’s specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “traffic flow control” policy of Haumont in place of the policy of Rasanen in order to process multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

The combination of Rasanen and Haumont do not expressly call for: computer program embodied on a computer readable medium

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Lyer teaches: computer program embodies on a computer readable medium (network elements of GSM configured using instructions on a memory per col. 3 lines 34-54)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the program embodied on a computer readable medium of Lyer to the method of the combination of Rasanen and Haumont because method requires a instructions stored on a readable medium in order to be performed by a processor.

Response to Amendment

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

In order to be responsive to applicant's argument the examiner has provided the following explanation

The applicant has argued that Rasanen fails to teach: deciding a traffic flow control policy to apply to communications via a gateway.

Rasanen teaches: Deciding policy to apply to communications via the gateway based on information regarding the type of the access gateway (The IWU or gateway determines or decides whether RAN-A or RAN-B has quality of service (bit rate, delay, or signal strength) or policy which will support a request for service from the mobile station and decides the appropriate RAN or access network per Pg 11 line 34 to Pg 15 line 21)

Rasanen does not expressly call for: "traffic flow control" policy

Haumont teaches: "traffic flow control" policy (Applicant's specification defines a traffic flow control policy on Pg 5 and Paras [0015] and [0016] of applicant specification is activating a PDP context which is used to establish a rules associated with flow which applicant has defined as policy. Haumont teaches: MS requests a PDP context activation via GGSN or gateway per Pg 2 lines 3-14. The MS activates or determines a plurality of QoS profiles associated with a plurality of flows which have parameters which are associated with the access gateway which are rules or policies for traffic control policy per Pg 10 line 8 to Pg 12 line 8)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the "traffic flow control" policy of Haumont in place of the policy of Rasanen in order to process multiple flows of data which would result in improved performance because each type of flow could be prioritized based upon performance.

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Thus by amending the claim to include a “traffic flow control” policy the applicant has changed the scope of the claim which has necessitated using another reference. Since the applicant has changed the scope of all of the independent claims it is proper to finalize this case in response to applicant's amendment.

The examiner respectfully disagrees with the applicant's argument that Rasanen does not teach: that a determination is made whether the first or the second radio access network supports the request.

Rasanen teaches: that a determination is made whether the first or second radio access network supports the request on Pg 8 lines 28 -35.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2619

RWW
7/2/08